

### **REMARKS**

By this Amendment, claims 1-8 are amended to further clarify the recited subject matter. Claims 1-8 are pending.

Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph as being allegedly indefinite. Applicant has amended those claims to further clarify the invention and overcome the rejection but notes for the record that the Office Action analysis appears to be based on the originally filed claims and not the amended claims as indicated in the Substitute Specification provided as part of the Preliminary Amendment filed January 28, 2005. Applicant notes that the further amendments provided herein are meant to further clarify the January 28, 2005 amended claims.

Applicant submits that the further amended claims are in full compliance with the requirements of 35 U.S.C. 112. Further, Applicant directs the Examiner's attention to the Specification at paragraph [00022] and the Abstract, which indicate that a "dead center position" is a position where there is a dead point, that position being between the released and locked positions. Further, Applicant asserts that the shape of the double-acting lifting magnet is not relevant to the definiteness of claim 2.

Claims 1, 2 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Fink (U.S. 6,189,265), claim 3 was rejected under 35 U.S.C. 103(a) as being obvious from Fink, claim 4 was rejected under 35 U.S.C. 103(a) as being obvious from Fink and Foelix et al. (U.S. 4,148,377; hereafter "Foelix"), and claim 6 was rejected under 35 U.S.C. 103(a) as being obvious from Fink, Foelix and Bittner et al. (US 2005/0173219). Applicant traverses the rejections because the cited prior art, analyzed individually or in combination, fails to teach or suggest the claimed door actuator including a lifting magnet is configured to release the releasable coupling from a closed locked position, wherein the lifting magnet is either paired with a closing magnet or further configured to act as a closing magnet configured to lock the coupling in the closed locked position.

Contrary to the assertions of the Office Action, Fink fails to teach or suggest the lifting magnet in its claimed alternative implementations: (1) as a double-acting magnet that may serve as a closing magnet and (2) included in a magnet pair also including a closing magnet. Rather, Fink merely teaches a single magnetic element, an electromagnetic clutch: "In order to release the brake for emergency actuation and accordingly enable manual opening, an actuating rod 14

must be displaced to the right, with reference to the drawing, against the force of a spring 29, which is effected manually by means of a Bowden cable 15 or, in normal operation, by releasing the electromagnetic clutch.” All that is disclosed is that the clutch is configured to prevent rotation of the freewheel component. However, Fink fails to disclose further detail regarding the electromagnetic clutch and whether it may include a double-acting magnet or a magnet pair as claimed in rejected independent claim 1. Accordingly, independent claim 1 and its dependent claims are patentable over Fink.

Further, the remaining prior art references fail to remedy the deficiencies of Fink. Therefore, both the anticipation and obviousness type rejections are overcome.

For all of the above reasons, withdrawal of the rejection of claims 1-8 is respectfully requested.

In view of the above, it is submitted that all of the pending claims are in condition for allowance and such action is respectfully requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned at (202) 371-6371 so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. **02-1010** (566-43619).

Respectfully submitted,  
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